IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.42 OF 2006

JOHNSON CONTROLS (INDIA) PRIVATE LIMITED. ...PETITIONER

VS

ANJALI INTERIORS. ...RESPONDENT.

Mr.V.V.Tulzapurkar with Sandip Parikh & S.Jose i/b. Kamni Ahuja & Shabana Raikar, for Petitioner.

Mr.A.C.Singh, i/b. A.S.Pandey for Respondent.

AND

ARBITRATION PETITION(lodg) NO. 72 OF 2006

ANJALI INTERIORS. ...PETITIONER.

VS

JOHNSON CONTROLS (INDIA) PRIVATE LIMITED. ...RESPONDENT

Mr.A.C.Singh, i/b. A.S.Pandey for Petitioner.

Mr.V.V.Tulzapurkar with Sandip Parikh & S.Jose i/b. Kamni Ahuja & Shabana Raikar, for Respondent

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CORAM: D.K.DESHMUKH,J.

DATED: 27th February, 2006

P.C.:-

By consent of parties, both these petitions are disposed of in the following terms.

1. By consent of parties the Hon'ble Mr.Justice V.P.Tipnis (retired) is appointed as Arbitrator.

2. Both the parties shall be at liberty to make application for appropriate interim relief before the learned Arbitrator.

3. The Prothonotary and Senior Master of this Court is directed to appoint an Architect from the panel maintained by the Prothonotary & Senior Master, to prepare inventory of the work carried on by the respondent - Anjali Interiors in the premises. Both the parties shall be free to point out to the Architect appointed by the Prothonotary & Senior Master, the extent of work carried out by the petitioner as also by the respondent.

4. The Architect so appointed shall submit its report to the learned Arbitrator. An Architect be appointed by the Prothonotary & Senior Master within a period of one week from today and the Architect to submit the report within a period of two weeks thereafter.

5. The Petitioner - Johnson Controls (India) Private Ltd. shall permit the representative of the respondent to enter the premises alongwith

the Architect and be present at the time of inspection of the premises by the Architect. If any articles belonging to the respondent are to be removed by the respondent Anjali Interiors from the premises, that also to be done in presence of the Architect. If any dispute arises in this regard, the parties shall be at liberty to make application for appropriate relief before the learned Arbitrator.

6. The learned Counsel appearing for the petitioner states that it is the case of the petitioner that the respondent had left the work incomplete and that the petitioner is completing that work. The learned Counsel further submits that however, from today till the site is inspected by the Architect, no further work would be carried on. The statement is accepted.

7. The learned Counsel appearing for Respondent- Anjali Interiors states that the respondent will not even make an attempt to enter the premises for any purpose other than for making representation before the Architect, alongwith the Architect for the purpose of assisting the Architect in making inventory and for removal of the articles belonging to the respondent. The statement is accepted.

Both the petitions are disposed of.